

The State Bar of California



FOREIGN LEGAL CONSULTANT PROGRAM

Office of Admissions
845 S. Figueroa Street
Los Angeles, CA 90017

Web site: <http://admissions.calbar.ca.gov>

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FREQUENTLY ASKED QUESTIONS

1. What is a Registered Foreign Legal Consultant?

A Registered Foreign Legal Consultant is a person who is admitted to practice and is in good standing as an attorney or counselor at law or the equivalent in a foreign country and has a currently effective State Bar Certificate of Registration as a Foreign Legal Consultant. A Registered Foreign Legal Consultant may practice the law of his or her country in California but may not practice California law.

2. What are the requirements to register as a Foreign Legal Consultant?

An applicant must:

- Have been admitted to practice law and have been in good standing as an attorney or counselor at law or equivalent in a foreign country for at least four of the six years immediately preceding the application, and while so admitted have actually practiced the law of that country;
- Possess good moral character (moral character review is conducted by the Office of Admissions in the same manner as for California bar applicants); and
- Provide the State Bar with a written statement agreeing to maintain required security for claims for errors and omissions.

3. How do I get an application?

Call or write the State Bar of California, Office of Admissions, 845 S. Figueroa Street, Los Angeles, CA 90017 and request a Registration as a Foreign Legal Consultant Packet. You may also visit our website: <http://admissions.calbar.ca.gov>. Complete and submit the application along with an application fee of \$370.00 to the above address. You must also submit a completed Application for Determination of Moral Character, which is included with the application.

4. What is the application fee?

\$370.00 application for Foreign Legal Consultant
\$500.00 application for Determination of Moral Character
Total = \$870.00

5. How long does it take to process the application?

Each file is handled individually. Processing time depends on whether or not we receive complete information. The Moral Character review on average takes four to six months.

6. How do I satisfy security for claims?

See Rule 3.403 of the State Bar Registered Foreign Legal consultant Rules and Regulations for the specific requirements.

7. How do I satisfy my requirement to submit a Certificate of Standing?

You must submit a certificate from the authority in the foreign country having final jurisdiction over professional discipline certifying:

1. It is the entity having jurisdiction over professional discipline matters;
2. Applicant's date of admission; and
3. For at least four of the past six years, the applicant has been in good standing as an attorney or counselor at law or the equivalent.

8. Do these documents have to be in English?

All documents not in English must be accompanied by a duly authenticated English translation.

9. What legal services can I provide?

Your legal services are limited to providing legal advice in the law of the country in which you are licensed to practice law.

10. What can I not do as a Foreign Legal Consultant?

You cannot:

- Appear for a person other than yourself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;
- Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;
- Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;
- Prepare any instrument in the respect of the marital relations, rights or duties of a resident of the United States, or the custody or care of the children of a resident; or

- Otherwise render professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or any country other than the country in which you are admitted to practice law, whether rendered incident to preparation of legal instruments or otherwise.

11. Am I required to file an annual report?

Yes. You must file an annual report along with an annual renewal fee.

12. What if my information changes before an annual report is due?

You must notify the State Bar of any change in your status in any jurisdiction where you are admitted to practice or of discipline with respect to such admission.

13. How do I find out more information about FLC?

1. Visit our website at <http://admissions.calbar.ca.gov>
2. Write to The State Bar of California
Office of Admissions
845 S. Figueroa Street
Los Angeles, CA 90017
3. Contact our office at (213) 765-1500

TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

DIVISION 3. NON-MEMBER ATTORNEYS

Chapter 4. Foreign Legal Consultants

Rule 3.400 Definitions

- (A) A “Registered Foreign Legal Consultant” is a person who meets the eligibility requirements of Rule of Court 9.44 of the California Rules of Court (“Rule 9.44”) and is registered by the State Bar as a Foreign Legal Consultant.
- (B) “Registered” means that the State Bar has issued a certificate of registration to a person it deems eligible to practice law as a Foreign Legal Consultant.

Rule 3.400 adopted effective July 1, 2010

Rule 3.401 Application

- (A) To practice law as a Registered Foreign Legal Consultant, a person who meets the eligibility requirements of the Rule 9.44 must:
 - (1) Submit an Application for Registration¹ as an attorney applicant for admission to the State Bar of California with the required certificate and the fee set forth in the Schedule of Charges and Deadlines;²
 - (2) Submit an Application for Registered Foreign Legal Consultant³ with the fee set forth in the Schedule of Charges and Deadlines (the Schedule);
 - (3) Meet State Bar requirements for acceptable moral character, which are set forth in the instructions for Application for Registered Foreign Legal Consultant;

¹ See Rule 4.16(B)

² See Rule 4.3(B)

³ See Rule of Court 9.44

- (4) Submit a letter of recommendation from an authorized representative of the professional body having final disciplinary jurisdiction or a judge of the highest court of original jurisdiction attesting to his or her professional qualifications in the foreign jurisdiction.
- (B) An application to practice law as a Registered Foreign Legal Consultant may be denied for failure to comply with eligibility or application requirements or a material misrepresentation of fact.
- (C) Upon a showing of undue hardship by the applicant, the State Bar may waive or vary this rule's requirement of the letter of recommendation attesting to the applicant's professional qualifications.

Rule 3.401 adopted effective July 1, 2010

Rule 3.402 Duties of Registered Foreign Legal Consultants

A Foreign Legal Consultant must:

- (A) Annually renew registration as a Registered Foreign Legal Consultant and submit the fee set forth in the Schedule of Charges and Deadlines;
- (B) Report to the State Bar within thirty days any change in eligibility or the security for claims required by these rules;
- (C) At all times maintain the security for claims required by these rules and upon demand promptly provide the State Bar with current evidence of security for claims;
- (D) Provide legal advice in California exclusively regarding the law of a foreign jurisdiction where he or she is licensed to practice law and which is identified in the Application To Register as a Foreign Legal Consultant;
- (E) Use the title "Registered Foreign Legal Consultant" and no other in connection with activities performed as a Registered Foreign Legal Consultant;
- (F) Not claim in any way to be a member of the State Bar of California;
- (G) Maintain an address of record and a current email address with the State Bar; and
- (H) Otherwise comply with Rule 9.44 and these rules.

Rule 3.402 adopted effective July 1, 2010

Rule 3.403 Security for claims

A Registered Foreign Legal Consultant must provide evidence of security for claims for pecuniary losses resulting from acts, errors, or omissions in the rendering of legal services. The security assets must be maintained at all times, and the State Bar may require current evidence of security for claims at any time. The evidence

- (A) May be a certificate of insurance, a letter of credit, a written guarantee, or a written agreement executed by the applicant;
- (B) Must be provided in a form acceptable to the State Bar; and
- (C) Must be computed in United States dollars.

Rule 3.403 adopted effective July 1, 2010

Rule 3.404 Insurance as security for claims

If insurance serves as security for claims, it must be acceptable to the State Bar and provide the Registered Foreign Legal Consultant a minimum amount of annual insurance and a maximum deductible. These amounts are specified in the Schedule of Charges and Deadlines for a single claim and for all claims.

- (A) If the insurance excludes the cost of defense, the Registered Foreign Legal Consultant may reduce the minimum amount of annual insurance as specified in the Schedule.
- (B) If the insurance provides for a deductible greater than that specified in the Schedule, the Registered Foreign Legal Consultant must provide a letter of credit or a written agreement as evidence of security for the deductible.
- (C) If the insurance is provided by an insurer outside California, the Registered Foreign Legal Consultant must promptly provide, upon request of the State Bar, a copy of the insurance policy and a translation if the policy is not in English.

Rule 3.404 adopted effective July 1, 2010

Rule 3.405 Letter of credit as security for claims

If a letter of credit serves as security for claims, the Registered Foreign Legal Consultant must maintain the letter of credit at all times in the minimum amount specified in the Schedule of Charges and Deadlines for a single claim and for all claims.

Rule 3.405 adopted effective July 1, 2010

3.406 Written guarantee as security for claims

If a written guarantee serves as security for claims, the Registered Foreign Legal Consultant must maintain the written guarantee at all times for a minimum amount in favor of the State Bar. The amount is specified in the Schedule for a single claim and for all claims.

- (A) The guarantor must be a California law firm or law corporation, an active member of the State Bar, or a financial institution.
- (B) The written guarantee must be supported by an independent accountant's certified financial statements and subsidiary records evidencing that tangible net worth for the most recent fiscal year is equivalent to the minimum amount required for security for claims, exclusive of intangible assets such as good will, licenses, patents, trademarks, trade names, copyrights, and franchises. Net worth may include fifty percent of earned fees that have not been billed and billed fees that have not been collected.

Rule 3.406 adopted effective July 1, 2010

Rule 3.407 Written agreement as evidence of security for claims

If a Foreign Legal Consultant's written agreement serves as security for claims, the agreement must be for the minimum amount specified in the Schedule of Charges and Deadlines for a single claim and for all claims.

Rule 3.407 adopted effective July 1, 2010

Rule 3.408 Suspension of registration as a Foreign Legal Consultant

- (A) Registration as a Foreign Legal Consultant is suspended
 - (1) For failure to annually register as a Foreign Legal Consultant and submit any related fee and penalty by the date set forth in the Schedule of Charges and Deadlines;
 - (2) For failure to otherwise comply with these rules or with the laws or standards of professional conduct applicable to a member of the State Bar; or
 - (3) Upon imposition of discipline by a professional or occupational licensing authority.
- (B) A Foreign Legal Consultant suspended under these rules is not permitted to practice law during the suspension. A Foreign Legal Consultant suspended for failure to comply with annual registration requirements may be reinstated upon compliance.

- (C) A notice of suspension is effective ten days from the date of receipt. Receipt is deemed to be five days from the date of mailing to a California address; ten days from the date of mailing to an address elsewhere in the United States; and twenty days from the date of mailing to an address outside the United States. Alternatively, receipt is when the State Bar delivers a document physically by personal service or otherwise.
- (D) Appeal of a suspension is subject to the disciplinary procedures of the State Bar.

Rule 3.408 adopted effective July 1, 2010

Rule 3.409 Termination of Registration

Permissions to practice law as a Registered Foreign Legal Consultant terminates

- (A) Upon failure to meet the eligibility requirements of Rule 9.44 or these rules;
- (B) As required by Rule 9.44 or these rules;
- (C) Upon admission to the State Bar;
- (D) Upon repeal of Rule 9.44 or termination of the Foreign Legal Consultants program; or
- (E) Upon request.

Rule 3.409 adopted effective July 1, 2010

Rule 3.410 Reinstatement after termination

An attorney terminated as a Registered Foreign Legal Consultant who seeks reinstatement must meet all eligibility and application requirements of these rules. Reinstatement is effective from the date of compliance.

Rule 3.410 adopted effective July 1, 2010

Rule 3.411 Public information

State Bar record for attorneys permitted to practice law as Foreign Legal Consultants are public to the same extent as member records.

Rule 3.411 adopted effective July 1, 2010

California Rules of Court



Rule 9.44 Registered Foreign Legal Consultant

(a) Definition

A “Registered Foreign Legal Consultant” is a person who:

- (1) Is admitted to practice and is in good standing as an attorney or counselor-at-law or the equivalent in a foreign country; and
- (2) Has a currently effective certificate of registration as a Registered Foreign Legal Consultant from the State Bar.

(Subd (a) amended effective January 1, 2007.)

(b) State Bar Registered Foreign Legal Consultant Program

The State Bar must establish and administer a program for registering foreign attorneys or counselors-at-law or the equivalent under rules adopted by the Board of Governors of the State Bar.

(Subd (b) amended effective January 1, 2007.)

(c) Eligibility for certification

To be eligible to become a Registered Foreign Legal Consultant, an applicant must:

- (1) Present satisfactory proof that the applicant has been admitted to practice and has been in good standing as an attorney or counselor-at-law or the equivalent in a foreign country for at least four of the six years immediately preceding the application and, while so admitted, has actually practiced the law of that country;
- (2) Present satisfactory proof that the applicant possesses the good moral character requisite for a person to be licensed as a member of the State Bar of California;

- (3) Agree to comply with the provisions of the rules adopted by the Board of Governors of the State Bar relating to security for claims against a Foreign Legal Consultant by his or her clients;
- (4) Agree to comply with the provisions of the rules adopted by the Board of Governors of the State Bar relating to maintaining an address of record for State Bar purposes;
- (5) Agree to notify the State Bar of any change in his or her status in any jurisdiction where he or she is admitted to practice or of any discipline with respect to such admission;
- (6) Agree to be subject to the jurisdiction of the courts of this state with respect to the laws of the State of California governing the conduct of attorneys, to the same extent as a member of the State Bar of California;
- (7) Agree to become familiar with and comply with the standards of professional conduct required of members of the State Bar of California;
- (8) Agree to be subject to the disciplinary jurisdiction of the State Bar of California;
- (9) Agree to be subject to the rights and obligations with respect to attorney client privilege, work-product privilege, and other professional privileges, to the same extent as attorneys admitted to practice law in California; and
- (10) Agree to comply with the laws of the State of California, the rules and regulations of the State Bar of California, and these rules.

(Subd (c) amended effective January 1, 2007.)

(d) Authority to practice law

Subject to all applicable rules, regulations, and statutes, a Registered Foreign Legal Consultant may render legal service in California, except that he or she may not:

- (1) Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;

- (2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;
- (3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;
- (4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or
- (5) Otherwise render professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction named in satisfying the requirements of (c) of the rule, whether rendered incident to preparation of legal instruments or otherwise.

(Subd (d) amended effective January 1, 2007.)

(e) Failure to comply with program

A Registered Foreign Legal Consultant who fails to comply with the requirements of the State Bar Registered Foreign Legal Consultant Program will have her or his certification suspended or revoked under rules adopted by the Board of Governors of the State Bar.

(Subd (e) amended effective January 1, 2007.)

(f) Fee and penalty

The State Bar has the authority to set and collect appropriate fees and penalties for this program.

(Subd (f) amended effective January 1, 2007.)

(g) Inherent power of Supreme Court

Nothing in these rules may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

(Subd (g) amended effective January 1, 2007.)

Rule 9.44 amended and renumbered effective January 1, 2007; adopted as rule 988 effective December 1, 1993.